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VIA ECF

The Honorable Lois H. Goodman
U. S. District Court, District of New Jersey
Clarkson S. Fisher Federal Building
& U. S. Courthouse
402 E. State Street
Trenton, New Jersey 08608

Re: Lay v. Modell's Sporting Goods, et al.
Civil Action No.: 09-CV-04009

Dear Judge Goodman:

This firm represents Third-Party Defendant Wellpower Sporting Goods Co., Ltd. ("Wellpower") (incorrectly identified as Wellpower Sports Co. Limited) in the above-entitled action. We write to advise the Court that Defendant Third-Party Plaintiff SPARQ Products, Inc. ("SPARQ") and all other parties have agreed to dismiss Wellpower voluntarily from this lawsuit without prejudice. A Consent Order Dismissing Third-Party Complaint Against Wellpower Without Prejudice is being filed. Therefore, Wellpower withdraws its request for a conference to discuss its application for a stay of discovery and excusal from the August 31st Settlement Conference.

Thank you for the Court's attention to Wellpower's request.

Respectfully submitted,

s/s JOHN C. MALONEY, JR.
JOHN C. MALONEY, JR.

JCM/af

cc: Richard E. Barber, Esq. (via ECF)
Edward Slaughter, Esq. (via ECF)
Patrick J. McStavick, Esq. (via ECF)
Martin M. Adler, Esq. (via ECF)